

OFFICIAL

**RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROSECUTION  
ART UNIT 1615**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED  
CENTRAL FAX CENTER**

**FEB 18 2004**

Serial No.: 09/760,046

Art Unit: 1615

Filed: January 12, 2001

Examiner: A. E. Pulliam

For: *MICRONIZED FREEZE-DRIED PARTICLES*

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

Responsive to the Office Action mailed on December 2, 2003, please amend the application as follows. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-1868.

1628318v1

1

BU 111  
077042/000003

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/760,046	
	Filing Date	January 12, 2001	
	First Named Inventor	Edith Mathiowitz	
	Art Unit	1615	
	Examiner Name	A.E. Pulliam	
Total Number of Pages in This Submission	12	Attorney Docket Number	BU 111

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Rivka D. Monheit, Esq., Reg. No. 48,731 Holland & Knight LLP Suite 2000, One Atlantic Center, 1201 West Peachtree Street, N.E.; Atlanta, GA 30309-3400	
Signature	<i>Rivka D Monheit</i>	
Date	February 18, 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Pam Turnbough	
Signature	<i>Pam Turnbough</i>	Date February 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

077042/00003

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$).00

## Complete if Known

Application Number	09/760,046
Filing Date	January 12, 2001
First Named Inventor	Edith Mathiowitz
Examiner Name	A.E. Pulliam
Art Unit	1815
Attorney Docket No.	BU 111

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None

☒ Deposit Account:

 Deposit  
Account  
Number  
Deposit  
Account  
Name

50-1868

Holland &amp; Knight LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$).00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	24 -33* = 0	0 X	
Multiple Dependent	1 -3** = 0	0 X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$).00

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or bath	
1052 50	2052 26	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$).00

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Rivka D. Monheit	Registration No. (Attorney/Agent)	48,731	Telephone	(404) 817-8514
Signature	<i>Rivka D. Monheit</i>	Date	February 18, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**HOLLAND & KNIGHT LLP**

One Atlantic Center  
1201 West Peachtree Street, N.E.  
Suite 2000  
Atlanta, Georgia 30309-3400

404-817-8500  
404-881-0470 Fax  
www.hklaw.com

Annapolis  
Atlanta  
Bethesda  
Boston  
Bradenton  
Chicago\*  
Fort Lauderdale  
Jacksonville  
Lakeland  
Los Angeles  
Miami  
New York  
Northern Virginia  
Orlando  
Portland  
Providence  
St. Petersburg  
San Antonio

San Francisco  
Seattle  
Tallahassee  
Tampa  
Washington, D.C.  
West Palm Beach

International Offices  
Caracas\*\*  
Helsinki  
Mexico City  
Rio de Janeiro  
São Paulo  
Tel Aviv\*\*  
Tokyo

\*Holland & Knight LLC  
\*\*Representative Office

**RECEIVED**  
**CENTRAL FAX CENTER**

**FEB 18 2004**

**OFFICIAL**

**FACSIMILE****TO:**

<b>Commissioner for Patents</b>	<b>U.S. Patent and Trademark Office</b>	<b>703-872-9306</b>
<b>NAME</b>	<b>COMPANY/FIRM</b>	<b>FAX NUMBER</b>
<b>Alexandria</b>	<b>VA</b>	<b>703-308-1202</b>
<b>CITY</b>	<b>STATE</b>	<b>(TELEPHONE NUMBER)</b>

**FROM:**

<b>Rivka D. Monheit</b>	<b>404-817-8514</b>	<b>13</b>
<b>NAME</b>	<b>TELEPHONE</b>	<b>TOTAL PAGES (Including Cover Sheet)</b>

**FOR THE RECORD:**

<b>DATE:</b> February 18, 2004	<b>URGENCY:</b> <input type="checkbox"/> SUPER RUSH <input checked="" type="checkbox"/> RUSH <input type="checkbox"/> REGULAR
<b>FAXED BY:</b> Pam Turnbough	<b>FILE #:</b> 077042/00003 <b>CLIENT NAME:</b> BU 111

**CONFIRMED:** ☐ YES ☐ NO

**NAME:**

**TIME:**

If you did not receive all of the pages or find that they are illegible, please call (404) 817-8500

**CONFIDENTIALITY NOTICE:** This facsimile, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution or use of any information contained in or attached to this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by facsimile or by telephone collect at the numbers stated above, and destroy the original facsimile and its attachments without reading, printing, or saving in any manner. Your cooperation is appreciated. Thank you.

**MESSAGE:**

**RESPONSE UNDER 37 C.F.R. § 1.116**  
**EXPEDITED PROSECUTION**  
**ART UNIT 1615**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Serial No.:</b>	<b>09/760,046</b>	<b>Art Unit:</b>	<b>1615</b>
<b>Filed:</b>	<b>January 12, 2001</b>	<b>Examiner:</b>	<b>A. E. Pulliam</b>
<b>For:</b>	<b>MICRONIZED FREEZE-DRIED PARTICLES</b>		

# 612600\_v1